

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

MARC VEASEY, <i>et al.</i> ,	§	
	§	
Plaintiffs,	§	
VS.	§	CIVIL ACTION NO. 2:13-CV-00193
	§	
RICK PERRY, <i>et al.</i> ,	§	
	§	
Defendants.	§	

OPPOSED MOTION TO COMPEL THE DEPOSITION OF
LENARD TAYLOR

Defendants request the Court compel the completion of the deposition of plaintiff Lenard Taylor before he testifies as a witness at trial.

On June 27, 2014, Lenard Taylor, a named plaintiff in this case, was noticed for deposition to occur in Alice, Texas on July 18, 2014. Ex. 1 (Notice of Deposition of Lenard Taylor (June 27, 2014)). The day before the deposition, counsel for Mr. Taylor informed counsel for Defendants that the deposition start time would need to be delayed by three hours (from 10:00 a.m. to 1:00 p.m.), and the location would need to be changed (from Alice to Corpus Christi), because of Mr. Taylor's medical doctor appointment. Ex. 2 (First Amended Notice of Deposition of Lenard Taylor (July 17, 2014)). That deposition was held on July 18, 2014. Ex. 3 at 1 (Cover Page of Taylor deposition (Jul. 18, 2014)).

During the course of that deposition, plaintiff Taylor became agitated, and the deposition ended abruptly against the wishes of counsel for Defendants. Ex. 3

at 62:1-66:11 (Taylor Deposition (Jul. 18, 2014)). No motion to terminate or limit under Federal Rule 30(d)(3) was filed by counsel for Taylor.

On the morning of September 1, 2014, counsel for Plaintiffs informed counsel for Defendants that Taylor would be called as a witness at trial on September 3, 2014. Ex. 4 (E-mail from E. Rosenberg (Sept. 1, 2014)). Upon learning this, counsel for Defendants conferred with counsel for Taylor regarding the completion of his deposition. Counsel for Taylor refuse to present him. Ex. 5 (E-mail from M. Van Dalen (Sept. 1, 2014)). Without fulfilling his obligation under Federal Rule 30(d)(1) to complete his deposition, plaintiff Taylor should not be allowed to testify (either live or through read deposition testimony) at trial. Defendants request Taylor be compelled to sit for the completion of his deposition.

Dated: September 1, 2014

Respectfully submitted,

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MCCRAW

CERTIFICATE OF CONFERENCE

I hereby certify that on September 1, 2014, consistent with Southern District Local Rule 7, I conferred with counsel for Lenard Taylor regarding this motion. This motion is opposed.

/s/ G. David Whitley
G. DAVID WHITLEY

CERTIFICATE OF SERVICE

I hereby certify that on September 1, 2014, a true and correct copy of the foregoing document was served via the Court's ECF system to all counsel of record.

/s/ G. David Whitley
G. DAVID WHITLEY